

Students**Search and Seizure**

The Board of Education is committed to providing a safe, healthy and orderly learning environment while also maintaining respect for the privacy interests of students.

1. No Expectation of Privacy in Use of School Property

Desks, lockers and other such property owned by the Board of Education are provided for use by students solely to support the educational experience. Although students are given use of these items, the Board retains access and control of all school property and may inspect the interior condition of desks and lockers for proper maintenance, health, safety and other administrative purposes. Inspections of school property may be accomplished with or without advance notice to students. Students should have no expectation of privacy in the use of desks, lockers and other similar school property. School officials may not use periodic inspections of school property as a pretense to search an individual student's locker or desk.

2. When and How School Officials May Conduct Searches

School officials may search an individual student, the student's personal belongings or the student's locker or desk in situations when there is reasonable suspicion that the student has violated a law or the rules of the school. The search must be justified at its inception in that there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. In other words, the information giving cause for the search should be sufficient and reliable to the extent that there is a moderate chance of finding evidence of wrongdoing. In addition, the search must be reasonable in scope so that the manner in which the search is conducted is reasonably related to the objective of the search and not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

Only school administrators or their designees may conduct searches. A search of a student's locker or desk will be conducted in the presence of the student, if possible. A search of the student or the student's personal belongings shall be done in the presence of a witness (other school personnel). Searches should be no more intrusive than necessary to discover the object that instigated the search. Any student who fails to comply with a search request may be subject to disciplinary proceedings for insubordination.

When a search is determined to be justified at inception and reasonable in scope, school officials may authorize law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime.

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Searches of the student's person must be conducted by a school official who is the same gender as the student and may include a frisk or pat-down of student clothing. Depending upon the severity of the infraction, students may also be asked to remove shoes or outerwear such as a coat, jacket, or sweater. Under no circumstances shall a school official conduct a "strip" search of a student. In the event that a student is reasonably suspected of concealing evidence of criminal activity that can be obtained only by removal of clothing (other than shoes and outerwear) and the student refuses to deliver such evidence, the assistance of the police shall be obtained.

4. Vehicle Searches on School Grounds

Vehicles brought on school grounds by students are subject to the same criteria for searches as students' personal belongings. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination of the privilege of bringing a motor vehicle onto school premises.

5. Seizure of Property Belonging to Student

School personnel may temporarily take control of property belonging to a student (including items such as a cell phone or other electronic device) when the student's use or possession of such property violates school rules or is otherwise disruptive of the educational process. Items taken from students should be made available for return to the student or the student's parent or legal guardian within one school day. Any illegal substance, weapon, item that may not be legally possessed by a student or other "fruit of a crime" that is confiscated from a student or discovered in an inspection of school property or search may be turned over to law enforcement officials.

6. Notice

Notice of this policy shall be provided to students annually in student handbooks or with notifications sent at the beginning of each year. Notice of the District's practice of conducting periodic inspections of school property such as desks and lockers shall be posted in appropriate locations for students to view.

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Limitations on the Search of a Student's Person

Searches of the student's person must be conducted by a school official who is the same gender as the student and may include a frisk or pat-down of student clothing. Depending upon the severity of the infraction, students may also be asked to remove shoes or outerwear such as a coat, jacket, or sweater. In the event that a student is reasonably suspected of concealing evidence of criminal activity that can be obtained only by removal of clothing (other than shoes and outerwear) and the student refuses to deliver such evidence, the assistance of the police shall be obtained. A school official may only conduct a strip search of a student if there are extraordinary circumstances where the object of the search presents a significant danger (such as an explosive, deadly weapon, hazardous substance), the evidence against the particular student is strong and the immediacy of the situation makes waiting for the response of the local law enforcement authority impractical.

Breathalyzer

Students may be subject to breathalyzer tests during school and at school sponsored events if school personnel have reasonable suspicion to believe that a student is under the influence of alcohol. The determination of reasonable suspicion will be based on observations of the student including, but not limited to: flushed face; red, watery, glassy or bloodshot eyes; odor of alcohol on breath, clothing or person; slurred speech; inability to follow instructions or comprehend questions; impaired motor skills; unusual emotionality (combative, argumentative, jovial, impulsive, e.g.); lack of awareness with regard to time and place; vomiting; found in possession of product containing alcohol. Breathalyzer tests may only be conducted by properly trained personnel in a private environment. Parents or guardians will be notified of any administration of a breathalyzer test and the results. Students found in possession of alcohol or under the influence of alcohol will be subject to disciplinary procedures. Students who refuse to submit to a breathalyzer test will be subject to disciplinary procedures.

Drug Testing of Students Participating in Competitive Athletics

The Board of Education maintains a drug, alcohol and tobacco free environment in its schools. Students are provided with a program of instruction including the subject matter of substance abuse prevention. The District's schools regularly provide counseling and referral to students with identified substance abuse issues. Nevertheless, student use and abuse of drugs and alcohol is a commonly notorious practice.

Concerns regarding the use of anabolic steroids among student athletes have also become more prevalent. The Connecticut Interscholastic Athletic Conference expects "member schools to monitor their student athletes to assure that they are free of performance enhancing substances and to report any violations in a timely manner." Although the

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Board is concerned about the well-being of all students in the district, the impact of steroid use, drugs and alcohol on students engaged in competitive athletics is particularly troubling. Therefore, in an effort to promote health and safety by preventing, deterring and detecting drug use among student athletes, the Board authorizes the Superintendent to implement a random alcohol, drug and anabolic steroid testing (“drug testing”) program for all students who participate in the competitive athletic program. The consent of the student and his/her parent(s) or legal guardian(s) for random and suspicion-based drug testing is required for the student to participate in competitive athletics.

Administrative regulations shall address the specific procedures for conducting the tests and appropriate recourse regarding the results. The testing will only screen for illegal drugs, alcohol and anabolic steroids. Positive results will result in progressive discipline procedures.

This policy is not intended to be punitive in nature. No student will be suspended or expelled from the curricular program solely as a result of a positive drug test. Records of testing will be kept in separate confidential files. Positive test results will not be revealed or released to law enforcement agencies except as may be compelled by law.

Annual notice of the drug testing policy will be provided to all students, parents and legal guardians at the beginning of each school year.

Legal References:

Connecticut General Statutes

10-221 Boards of education to prescribe rules.

54-33n Search of school lockers and property

10-16b Prescribed courses of study

10-19 Teaching about alcohol, nicotine or tobacco, drugs and AIDS

10-154a Professional communications between teacher or nurse and student

New Jersey v. T.L.O., 469 U.S. 325 (1985)

Safford Unified Sch. Dist. # 1 v. Redding, 129 S. Ct. 2633 (2009)

Veronia Sch. Dist. 47J v. Acton, 515 U.S. 646 (1995)

Bd. of Educ. of Indpt. Sch. Dist. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002)

CIAC Handbook 2009-2010

Policy adopted: April 1995

Policy reviewed: July 1, 2009

Policy revised: June 7, 2010